



1 THE END OF SUCH CONFLICT INCLUDING MILITARY SERVICE IN OPERATION ENDUR-  
2 ING FREEDOM, OPERATION IRAQI FREEDOM OR OPERATION NEW DAWN AND WAS THE  
3 RECIPIENT OF THE GLOBAL WAR ON TERRORISM EXPEDITIONARY MEDAL OR THE IRAQ  
4 CAMPAIGN MEDAL OR THE AFGHANISTAN CAMPAIGN MEDAL.

5 3. "SERVICE-CONNECTED DISABLED VETERAN" MEANS A VETERAN WHO RECEIVED A  
6 COMPENSATION RATING FROM THE UNITED STATES DEPARTMENT OF VETERANS'  
7 AFFAIRS OR FROM THE UNITED STATES DEPARTMENT OF DEFENSE BECAUSE OF A  
8 SERVICE-CONNECTED DISABILITY INCURRED IN THE LINE OF DUTY IN THE ACTIVE  
9 MILITARY, NAVAL OR AIR SERVICE.

10 4. "CERTIFIED SERVICE-CONNECTED DISABLED VETERAN-OWNED BUSINESS ENTER-  
11 PRISE" SHALL MEAN A BUSINESS ENTERPRISE, INCLUDING A SOLE PROPRIETOR-  
12 SHIP, PARTNERSHIP, OR CORPORATION THAT IS:

13 (A) AT LEAST FIFTY-ONE PERCENT OWNED BY ONE OR MORE SERVICE-CONNECTED  
14 DISABLED VETERANS;

15 (B) AN ENTERPRISE IN WHICH SUCH SERVICE-CONNECTED DISABLED VETERAN  
16 OWNERSHIP IS REAL, SUBSTANTIAL, AND CONTINUING;

17 (C) AN ENTERPRISE IN WHICH SUCH SERVICE-CONNECTED DISABLED VETERAN  
18 OWNERSHIP HAS AND EXERCISES THE AUTHORITY TO CONTROL INDEPENDENTLY THE  
19 DAY-TO-DAY BUSINESS DECISIONS OF THE ENTERPRISE;

20 (D) AN ENTERPRISE AUTHORIZED TO DO BUSINESS IN THIS STATE AND IS INDE-  
21 PENDENTLY OWNED AND OPERATED;

22 (E) AN ENTERPRISE OWNED BY AN INDIVIDUAL OR INDIVIDUALS, WHOSE OWNER-  
23 SHIP, CONTROL AND OPERATION ARE RELIED UPON FOR CERTIFICATION, WITH A  
24 PERSONAL NET WORTH THAT DOES NOT EXCEED THREE MILLION FIVE HUNDRED THOU-  
25 SAND DOLLARS, AS ADJUSTED ANNUALLY ON THE FIRST OF JANUARY FOR INFLATION  
26 ACCORDING TO THE CONSUMER PRICE INDEX OF THE PREVIOUS YEAR;

27 (F) AN ENTERPRISE THAT IS A SMALL BUSINESS PURSUANT TO SUBDIVISION  
28 FIVE OF THIS SECTION; AND

29 (G) CERTIFIED PURSUANT TO SUBDIVISION THREE OF SECTION THREE HUNDRED  
30 SIXTY-NINE-A OF THIS ARTICLE.

31 5. "SMALL BUSINESS" SHALL HAVE THE SAME MEANING AS DEFINED IN SECTION  
32 ONE HUNDRED THIRTY-ONE OF THE ECONOMIC DEVELOPMENT LAW.

33 6. "VETERAN" SHALL MEAN A PERSON WHO SERVED IN THE ACTIVE MILITARY,  
34 NAVAL, OR AIR SERVICE DURING A PERIOD OF WAR, OR WAS A RECIPIENT OF THE  
35 ARMED FORCES EXPEDITIONARY MEDAL, NAVY EXPEDITIONARY MEDAL, MARINE CORPS  
36 EXPEDITIONARY MEDAL, OR GLOBAL WAR ON TERRORISM EXPEDITIONARY MEDAL, AND  
37 WAS DISCHARGED OR RELEASED THEREFROM UNDER OTHER THAN DISHONORABLE  
38 DISCHARGE.

39 7. "CERTIFIED VETERAN-OWNED BUSINESS ENTERPRISE" SHALL MEAN A BUSINESS  
40 ENTERPRISE, INCLUDING A SOLE PROPRIETORSHIP, PARTNERSHIP, OR CORPORATION  
41 THAT IS:

42 (A) AT LEAST FIFTY-ONE PERCENT OWNED BY ONE OR MORE VETERANS;

43 (B) AN ENTERPRISE IN WHICH SUCH VETERAN OWNERSHIP IS REAL, SUBSTAN-  
44 TIAL, AND CONTINUING;

45 (C) AN ENTERPRISE IN WHICH SUCH VETERAN OWNERSHIP HAS AND EXERCISES  
46 THE AUTHORITY TO CONTROL INDEPENDENTLY THE DAY-TO-DAY BUSINESS DECISIONS  
47 OF THE ENTERPRISE;

48 (D) AN ENTERPRISE AUTHORIZED TO DO BUSINESS IN THIS STATE AND INDE-  
49 PENDENTLY OWNED AND OPERATED;

50 (E) AN ENTERPRISE OWNED BY AN INDIVIDUAL OR INDIVIDUALS, WHOSE OWNER-  
51 SHIP, CONTROL AND OPERATION WERE RELIED UPON FOR CERTIFICATION, WITH A  
52 PERSONAL NET WORTH THAT DOES NOT EXCEED THREE MILLION FIVE HUNDRED THOU-  
53 SAND DOLLARS, AS ADJUSTED ANNUALLY ON THE FIRST OF JANUARY FOR INFLATION  
54 ACCORDING TO THE CONSUMER PRICE INDEX OF THE PREVIOUS YEAR;

55 (F) AN ENTERPRISE THAT IS A SMALL BUSINESS PURSUANT TO SUBDIVISION  
56 FIVE OF THIS SECTION; AND

1 (G) CERTIFIED PURSUANT TO SUBDIVISION THREE OF SECTION THREE HUNDRED  
2 SIXTY-NINE-B OF THIS ARTICLE.

3 S 369-A. OPPORTUNITIES FOR CERTIFIED SERVICE-CONNECTED DISABLED VETER-  
4 AN-OWNED BUSINESS ENTERPRISES. 1. CONTRACT PREFERENCES. EACH AGENCY  
5 SHALL PROVIDE THE OPPORTUNITY FOR CERTIFIED SERVICE-CONNECTED DISABLED  
6 VETERAN-OWNED BUSINESS ENTERPRISES TO MAXIMIZE THEIR PARTICIPATION IN  
7 THE PERFORMANCE OF STATE CONTRACTS. A BID BY A SERVICE-CONNECTED DISA-  
8 BLED VETERAN-OWNED BUSINESS ENTERPRISE SHALL BE TREATED AS THE LOWEST  
9 BID IN A COMPETITIVE PROCESS FOR A COMMODITY IF IT COST NO MORE THAN  
10 FIFTEEN PERCENT HIGHER THAN THE LOWEST BID AND FOR SERVICES, IF THE COST  
11 COMPONENT IS NO MORE THAN FIFTEEN PERCENT HIGHER THAN THE COST COMPONENT  
12 OF THE HIGHEST SCORING BID, THESE COMPONENTS SHALL BE TREATED AS EQUAL  
13 FOR PURPOSES OF COMPETITIVE SCORING.

14 2. DUTIES OF AGENCIES. IN ORDER TO IMPLEMENT THE PROVISIONS AND POLICY  
15 ESTABLISHED IN SUBDIVISION ONE OF THIS SECTION, AGENCIES SHALL:

16 (A) DEVELOP A STRATEGY TO IMPLEMENT THE PROVISIONS AND POLICY ESTAB-  
17 LISHED IN SUBDIVISION ONE OF THIS SECTION; AND SHALL PUBLICLY PUBLISH  
18 SUCH STRATEGY;

19 (B) MAKE THE AGENCY'S STRATEGY PUBLICLY AVAILABLE, POST SUCH STRATEGY  
20 UPON THE WEBSITE OF SUCH AGENCY, AND REPORT ANNUALLY TO THE GOVERNOR,  
21 THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY,  
22 ON THE IMPLEMENTATION OF THE AGENCY'S STRATEGY;

23 (C) DESIGNATE A SENIOR-LEVEL OFFICIAL WITHIN SUCH AGENCY WHO SHALL BE  
24 RESPONSIBLE FOR DEVELOPING AND IMPLEMENTING THE AGENCY'S STRATEGY; AND

25 (D) INCLUDE IN THE AGENCY'S STRATEGY PLANS FOR:

26 (I) ENCOURAGING AND FACILITATING PARTICIPATION BY CERTIFIED  
27 SERVICE-CONNECTED DISABLED VETERAN-OWNED BUSINESS ENTERPRISES IN COMPE-  
28 TITIONS FOR AWARD OF AGENCY CONTRACTS;

29 (II) ENCOURAGING AGENCY CONTRACTORS TO SUBCONTRACT WITH CERTIFIED  
30 SERVICE-CONNECTED DISABLED VETERAN-OWNED BUSINESS ENTERPRISES AND  
31 ACTIVELY MONITORING AND EVALUATING AGENCY CONTRACTOR'S EFFORTS TO DO SO;

32 (III) TRAINING AGENCY PERSONNEL ON APPLICABLE LAW AND POLICIES RELAT-  
33 ING TO PARTICIPATION OF CERTIFIED SERVICE-CONNECTED DISABLED  
34 VETERAN-OWNED BUSINESS ENTERPRISES IN STATE CONTRACTING; AND

35 (IV) DISSEMINATING INFORMATION TO CERTIFIED SERVICE-CONNECTED DISABLED  
36 VETERAN-OWNED BUSINESS ENTERPRISES THAT WOULD ASSIST THESE BUSINESSES IN  
37 PARTICIPATING IN AWARDS OF AGENCY CONTRACTS.

38 3. CERTIFICATION. (A) THE DEPUTY COMMISSIONER RESPONSIBLE FOR HEADING  
39 THE DIVISION FOR SMALL BUSINESS WITHIN THE DEPARTMENT OF ECONOMIC DEVEL-  
40 OPMENT, AS ESTABLISHED PURSUANT TO SECTION ONE HUNDRED THIRTY-TWO OF THE  
41 ECONOMIC DEVELOPMENT LAW SHALL PROMULGATE RULES AND REGULATIONS PROVID-  
42 ING FOR THE ESTABLISHMENT OF A STATEWIDE CERTIFICATION PROGRAM INCLUDING  
43 RULES AND REGULATIONS GOVERNING THE APPROVAL, DENIAL, OR REVOCATION OF  
44 ANY SUCH CERTIFICATION. SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT  
45 NOT BE LIMITED TO, SUCH MATTERS AS MAY BE REQUIRED TO ENSURE THAT THE  
46 ESTABLISHED PROCEDURES THEREUNDER SHALL AT LEAST BE IN COMPLIANCE WITH  
47 THE CODE OF FAIR PROCEDURE SET FORTH IN SECTION SEVENTY-THREE OF THE  
48 CIVIL RIGHTS LAW.

49 (B) THE DIVISION FOR SMALL BUSINESS SHALL BE RESPONSIBLE FOR VERIFYING  
50 BUSINESSES AS BEING OWNED, OPERATED, AND CONTROLLED BY A SERVICE-CON-  
51 NECTED DISABLED VETERAN AND FOR CERTIFYING SUCH VERIFIED BUSINESSES.  
52 STATUS AS A SERVICE-CONNECTED DISABLED VETERAN SHALL BE DOCUMENTED BY A  
53 COPY OF THE VETERAN'S CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE  
54 DUTY ALSO KNOWN AS A DD-214 FORM OR AN HONORABLE SERVICE CERTIFICATE  
55 REPORT OF CAUSALITY FROM THE DEPARTMENT OF DEFENSE, A LETTER OF CERTIF-  
56 ICATION BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR THE

1 UNITED STATES DEPARTMENT OF DEFENSE AND ANY ADDITIONAL INFORMATION THAT  
2 MAY BE REQUIRED BY THE DIVISION FOR SMALL BUSINESS. THE DEPUTY COMMIS-  
3 SIONER OF THE DIVISION FOR SMALL BUSINESS SHALL PREPARE A DIRECTORY OF  
4 CERTIFIED SERVICE-CONNECTED DISABLED VETERAN-OWNED BUSINESS ENTERPRISES  
5 FOR USE BY AGENCIES IN CARRYING OUT THE PROVISIONS OF THIS SECTION. SUCH  
6 DIRECTORY SHALL BE PUBLICLY POSTED ON THE EMPIRE STATE DEVELOPMENT  
7 CORPORATION WEBSITE. THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL  
8 BUSINESS SHALL PERIODICALLY UPDATE THE DIRECTORY.

9 (C) FOLLOWING APPLICATION FOR CERTIFICATION PURSUANT TO THIS SECTION,  
10 THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL PROVIDE  
11 THE APPLICANT WITH WRITTEN NOTICE OF THE STATUS OF THE APPLICATION,  
12 INCLUDING NOTICE OF ANY OUTSTANDING DEFICIENCIES, WITHIN THIRTY DAYS.  
13 WITHIN SIXTY DAYS OF SUBMISSION OF A FINAL COMPLETED APPLICATION, THE  
14 DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL PROVIDE THE  
15 APPLICANT WITH WRITTEN NOTICE OF A DETERMINATION BY THE DEPUTY COMMIS-  
16 SIONER OF THE DIVISION FOR SMALL BUSINESS APPROVING OR DENYING SUCH  
17 CERTIFICATION AND, IN THE EVENT OF A DENIAL, A STATEMENT SETTING FORTH  
18 THE REASONS FOR SUCH DENIAL. UPON A DETERMINATION DENYING OR REVOKING  
19 CERTIFICATION, THE BUSINESS ENTERPRISE FOR WHICH CERTIFICATION HAS BEEN  
20 SO DENIED OR REVOKED SHALL, UPON WRITTEN REQUEST MADE WITHIN THIRTY DAYS  
21 FROM RECEIPT OF NOTICE OF SUCH DETERMINATION, BE ENTITLED TO A HEARING  
22 BEFORE AN INDEPENDENT HEARING OFFICER DESIGNATED FOR SUCH PURPOSE BY THE  
23 DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS. IN THE EVENT  
24 THAT A REQUEST FOR A HEARING IS NOT MADE WITHIN SUCH THIRTY DAY PERIOD,  
25 SUCH DETERMINATION SHALL BE DEEMED TO BE FINAL. THE INDEPENDENT HEARING  
26 OFFICER SHALL CONDUCT A HEARING AND UPON THE CONCLUSION OF SUCH HEARING,  
27 ISSUE A WRITTEN RECOMMENDATION TO THE DEPUTY COMMISSIONER OF THE DIVI-  
28 SION FOR SMALL BUSINESS TO AFFIRM, REVERSE, OR MODIFY SUCH DETERMINATION  
29 OF THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS. SUCH  
30 WRITTEN RECOMMENDATION SHALL BE ISSUED TO THE PARTIES. THE DEPUTY  
31 COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS, WITHIN THIRTY DAYS, BY  
32 ORDER, MUST ACCEPT, REJECT OR MODIFY SUCH RECOMMENDATION OF THE HEARING  
33 OFFICER AND SET FORTH IN WRITING THE REASON THEREFOR. THE DEPUTY COMMIS-  
34 SIONER OF THE DIVISION FOR SMALL BUSINESS SHALL SERVE A COPY OF SUCH  
35 ORDER AND REASONS THEREFOR UPON THE BUSINESS ENTERPRISE BY PERSONAL  
36 SERVICE OR BY CERTIFIED MAIL RETURN RECEIPT REQUESTED. THE ORDER OF THE  
37 DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL BE SUBJECT  
38 TO REVIEW PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW  
39 AND RULES.

40 (D) ALL CERTIFICATIONS SHALL BE VALID FOR A PERIOD OF THREE YEARS.

41 4. DUTIES OF DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS.  
42 THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL:

43 (A) DESIGNATE AN APPROPRIATE ENTITY WITHIN THE DIVISION FOR SMALL  
44 BUSINESS THAT SHALL, IN CONSULTATION WITH THE DIVISION OF VETERANS'  
45 AFFAIRS, PROVIDE TO CERTIFIED SERVICE-CONNECTED DISABLED VETERAN-OWNED  
46 BUSINESS ENTERPRISES INFORMATION AND ASSISTANCE CONCERNING PARTICIPATION  
47 IN STATE CONTRACTING;

48 (B) ADVISE AND ASSIST AGENCIES IN THEIR IMPLEMENTATION OF SUBDIVISION  
49 ONE OF THIS SECTION; AND

50 (C) MAKE AVAILABLE TO CERTIFIED SERVICE-CONNECTED DISABLED  
51 VETERAN-OWNED BUSINESS ENTERPRISES TRAINING IN STATE CONTRACTING LAW,  
52 PROCEDURES, AND PRACTICES THAT WOULD ASSIST SUCH BUSINESSES IN PARTIC-  
53 IPATING IN STATE CONTRACTING AND MAKE THIS TRAINING AVAILABLE ONLINE  
54 THROUGH A CONTINUOUS LEARNING PROGRAM.

55 S 369-B. OPPORTUNITIES FOR CERTIFIED VETERAN-OWNED BUSINESS ENTER-  
56 PRISES. 1. CONTRACT PREFERENCES. EACH AGENCY SHALL PROVIDE THE OPPORTU-

1 NITY FOR CERTIFIED VETERAN-OWNED BUSINESS ENTERPRISES TO MAXIMIZE THEIR  
2 PARTICIPATION IN THE PERFORMANCE OF STATE CONTRACTS. A BID BY A VETER-  
3 AN-OWNED BUSINESS ENTERPRISE SHALL BE TREATED AS THE LOWEST BID IN A  
4 COMPETITIVE PROCESS FOR A COMMODITY IF IT COST NO MORE THAN TEN PERCENT  
5 HIGHER THAN THE LOWEST BID AND FOR SERVICES, IF THE COST COMPONENT IS NO  
6 MORE THAN TEN PERCENT HIGHER THAN THE COST COMPONENT OF THE HIGHEST  
7 SCORING BID, THESE COMPONENTS SHALL BE TREATED AS EQUAL FOR PURPOSES OF  
8 COMPETITIVE SCORING.

9 2. DUTIES OF AGENCIES. IN ORDER TO IMPLEMENT THE PROVISIONS AND POLICY  
10 ESTABLISHED IN SUBDIVISION ONE OF THIS SECTION, AGENCIES SHALL:

11 (A) DEVELOP A STRATEGY TO IMPLEMENT THE PROVISIONS AND POLICY ESTAB-  
12 LISHED IN SUBDIVISION ONE OF THIS SECTION; AND SHALL PUBLICLY PUBLISH  
13 SUCH STRATEGY;

14 (B) MAKE THE AGENCY'S STRATEGY PUBLICLY AVAILABLE, HAVE SUCH STRATEGY  
15 POSTED UPON THE WEBSITE OF SUCH AGENCY, AND REPORT ANNUALLY TO THE  
16 GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE  
17 ASSEMBLY ON THE IMPLEMENTATION OF THE AGENCY'S STRATEGY;

18 (C) DESIGNATE A SENIOR-LEVEL OFFICIAL WITHIN SUCH AGENCY WHO SHALL BE  
19 RESPONSIBLE FOR DEVELOPING AND IMPLEMENTING THE AGENCY'S STRATEGY; AND

20 (D) INCLUDE IN THE AGENCY'S STRATEGY PLANS FOR:

21 (I) ENCOURAGING AND FACILITATING PARTICIPATION BY CERTIFIED  
22 VETERAN-OWNED BUSINESS ENTERPRISES IN COMPETITIONS FOR AWARD OF AGENCY  
23 CONTRACTS;

24 (II) ENCOURAGING AGENCY CONTRACTORS TO SUBCONTRACT WITH CERTIFIED  
25 VETERAN-OWNED BUSINESS ENTERPRISES AND ACTIVELY MONITORING AND EVALUAT-  
26 ING AGENCY CONTRACTOR'S EFFORTS TO DO SO;

27 (III) TRAINING AGENCY PERSONNEL ON APPLICABLE LAW AND POLICIES RELAT-  
28 ING TO PARTICIPATION OF CERTIFIED VETERAN-OWNED BUSINESS ENTERPRISES IN  
29 STATE CONTRACTING; AND

30 (IV) DISSEMINATING INFORMATION TO CERTIFIED VETERAN-OWNED BUSINESS  
31 ENTERPRISES THAT WOULD ASSIST THESE BUSINESSES IN PARTICIPATING IN  
32 AWARDS OF AGENCY CONTRACTS.

33 3. CERTIFICATION. (A) THE DEPUTY COMMISSIONER RESPONSIBLE FOR HEADING  
34 THE DIVISION FOR SMALL BUSINESS WITHIN THE DEPARTMENT OF ECONOMIC DEVEL-  
35 OPMENT, AS ESTABLISHED PURSUANT TO SECTION ONE HUNDRED THIRTY-TWO OF THE  
36 ECONOMIC DEVELOPMENT LAW SHALL PROMULGATE RULES AND REGULATIONS PROVID-  
37 ING FOR THE ESTABLISHMENT OF A STATEWIDE CERTIFICATION PROGRAM INCLUDING  
38 RULES AND REGULATIONS GOVERNING THE APPROVAL, DENIAL, OR REVOCATION OF  
39 ANY SUCH CERTIFICATION. SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT  
40 NOT BE LIMITED TO, SUCH MATTERS AS MAY BE REQUIRED TO ENSURE THAT THE  
41 ESTABLISHED PROCEDURES THEREUNDER SHALL AT LEAST BE IN COMPLIANCE WITH  
42 THE CODE OF FAIR PROCEDURE SET FORTH IN SECTION SEVENTY-THREE OF THE  
43 CIVIL RIGHTS LAW.

44 (B) THE DIVISION FOR SMALL BUSINESS SHALL BE RESPONSIBLE FOR VERIFYING  
45 BUSINESSES AS BEING OWNED, OPERATED, AND CONTROLLED BY A VETERAN AND FOR  
46 CERTIFYING SUCH VERIFIED BUSINESSES. STATUS AS A VETERAN SHALL BE DOCU-  
47 MENTED BY A COPY OF THE VETERAN'S CERTIFICATE OF RELEASE OR DISCHARGE  
48 FROM ACTIVE DUTY ALSO KNOWN AS A DD-214 FORM OR AN HONORABLE SERVICE  
49 CERTIFICATE REPORT OF CAUSALITY FROM THE DEPARTMENT OF DEFENSE, A LETTER  
50 OF CERTIFICATION BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR  
51 THE UNITED STATES DEPARTMENT OF DEFENSE AND ANY ADDITIONAL INFORMATION  
52 THAT MAY BE REQUIRED BY THE DIVISION FOR SMALL BUSINESS. THE DEPUTY  
53 COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL PREPARE A DIRECTO-  
54 RY OF CERTIFIED VETERAN-OWNED BUSINESS ENTERPRISES FOR USE BY AGENCIES  
55 IN CARRYING OUT THE PROVISIONS OF THIS SECTION. SUCH DIRECTORY SHALL BE  
56 PUBLICLY POSTED ON THE EMPIRE STATE DEVELOPMENT CORPORATION WEBSITE. THE

1 DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL PERIOD-  
2 ICALLY UPDATE THE DIRECTORY.

3 (C) FOLLOWING APPLICATION FOR CERTIFICATION PURSUANT TO THIS SECTION,  
4 THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL PROVIDE  
5 THE APPLICANT WITH WRITTEN NOTICE OF THE STATUS OF THE APPLICATION,  
6 INCLUDING NOTICE OF ANY OUTSTANDING DEFICIENCIES, WITHIN THIRTY DAYS.  
7 WITHIN SIXTY DAYS OF SUBMISSION OF A FINAL COMPLETED APPLICATION, THE  
8 DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL PROVIDE THE  
9 APPLICANT WITH WRITTEN NOTICE OF A DETERMINATION BY THE DEPUTY COMMIS-  
10 SIONER OF THE DIVISION FOR SMALL BUSINESS APPROVING OR DENYING SUCH  
11 CERTIFICATION AND, IN THE EVENT OF A DENIAL, A STATEMENT SETTING FORTH  
12 THE REASONS FOR SUCH DENIAL. UPON A DETERMINATION DENYING OR REVOKING  
13 CERTIFICATION, THE BUSINESS ENTERPRISE FOR WHICH CERTIFICATION HAS BEEN  
14 SO DENIED OR REVOKED SHALL, UPON WRITTEN REQUEST MADE WITHIN THIRTY DAYS  
15 FROM RECEIPT OF NOTICE OF SUCH DETERMINATION, BE ENTITLED TO A HEARING  
16 BEFORE AN INDEPENDENT HEARING OFFICER DESIGNATED FOR SUCH PURPOSE BY THE  
17 DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS. IN THE EVENT  
18 THAT A REQUEST FOR A HEARING IS NOT MADE WITHIN SUCH THIRTY DAY PERIOD,  
19 SUCH DETERMINATION SHALL BE DEEMED TO BE FINAL. THE INDEPENDENT HEARING  
20 OFFICER SHALL CONDUCT A HEARING AND UPON THE CONCLUSION OF SUCH HEARING,  
21 ISSUE A WRITTEN RECOMMENDATION TO THE DEPUTY COMMISSIONER OF THE DIVI-  
22 SION FOR SMALL BUSINESS TO AFFIRM, REVERSE, OR MODIFY SUCH DETERMINATION  
23 OF THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS. SUCH  
24 WRITTEN RECOMMENDATION SHALL BE ISSUED TO THE PARTIES. THE DEPUTY  
25 COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS, WITHIN THIRTY DAYS, BY  
26 ORDER, MUST ACCEPT, REJECT OR MODIFY SUCH RECOMMENDATION OF THE HEARING  
27 OFFICER AND SET FORTH IN WRITING THE REASONS THEREFOR. THE DEPUTY  
28 COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL SERVE A COPY OF  
29 SUCH ORDER AND REASONS THEREFOR UPON THE BUSINESS ENTERPRISE BY PERSONAL  
30 SERVICE OR BY CERTIFIED MAIL RETURN RECEIPT REQUESTED. THE ORDER OF THE  
31 DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL BE SUBJECT  
32 TO REVIEW PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW  
33 AND RULES.

34 (D) ALL CERTIFICATIONS SHALL BE VALID FOR A PERIOD OF THREE YEARS.

35 4. DUTIES OF DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS.  
36 THE DEPUTY COMMISSIONER OF THE DIVISION FOR SMALL BUSINESS SHALL:

37 (A) DESIGNATE AN APPROPRIATE ENTITY WITHIN THE DIVISION FOR SMALL  
38 BUSINESS THAT SHALL, IN CONSULTATION WITH THE DIVISION OF VETERANS'  
39 AFFAIRS, PROVIDE TO VETERAN-OWNED BUSINESS ENTERPRISES INFORMATION AND  
40 ASSISTANCE CONCERNING PARTICIPATION IN STATE CONTRACTING;

41 (B) ADVISE AND ASSIST AGENCIES IN THEIR IMPLEMENTATION OF SUBDIVISION  
42 ONE OF THIS SECTION; AND

43 (C) MAKE AVAILABLE TO VETERAN-OWNED BUSINESS ENTERPRISES TRAINING IN  
44 STATE CONTRACTING LAW, PROCEDURES, AND PRACTICES THAT WOULD ASSIST SUCH  
45 BUSINESSES IN PARTICIPATING IN STATE CONTRACTING AND MAKE THIS TRAINING  
46 AVAILABLE ONLINE THROUGH A CONTINUOUS LEARNING PROGRAM.

47 S 369-C. SEVERABILITY. IF ANY CLAUSE, SENTENCE, PARAGRAPH, SECTION OR  
48 PART OF THIS ARTICLE SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURIS-  
49 DICTION TO BE INVALID, THE JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALI-  
50 DATE THE REMAINDER THEREOF, BUT SHALL BE CONFINED IN ITS OPERATION TO  
51 THE CLAUSE, SENTENCE, PARAGRAPH, SECTION OR PART OF THIS ARTICLE DIRECT-  
52 LY INVOLVED IN THE CONTROVERSY IN WHICH THE JUDGMENT SHALL HAVE BEEN  
53 RENDERED.

54 S 2. This act shall take effect on the one hundred eightieth day after  
55 it shall have become a law.